

**FILED**

Case 1:08-cv-02980

Document 7

Filed 06/24/2008

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**JUNE 24, 2008**

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

**RECEIVED**

MAY 21 2008

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MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS  
DIVISION

Keeshia Smith

(Name of the plaintiff or plaintiffs)

v.

Chicago Public School

Monica Rosen

(Name of the defendant or defendants)

CIVIL ACTION

**08CV2980**

**JUDGE LEINENWEBER**

**MAG. JUDGE ASHMAN**

**COMPLAINT OF EMPLOYMENT DISCRIMINATION**

1. This is an action for employment discrimination.

2. The plaintiff is Keeshia Smith of  
the county of Cook in the state of Illinois.

3. The defendant is Chicago Public Schools Monica Rosen who  
resides at (street address) 125 S Clark + 320 N Elizabeth  
(city) Chicago (county) Cook (state) Illinois (ZIP) 60603  
(Defendant's telephone number) (312) 555-1200

- 4) The plaintiff sought employment or was employed by the defendant at

(street address) 320 N Elizabeth  
 (city) Chicago (county) Cook (state) IL (ZIP code) 60603

5. The plaintiff [check one box]

- (a) ☐ was denied employment by the defendant.  
 (b) ☐ was hired and is still employed by the defendant.  
 (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,

(month) July, (day) 1, (year) 2007.

7. (a) The plaintiff [check one box] ☐ *has not* filed a charge or charges against the defendant  
☒ *has*  
 asserting the acts of discrimination indicated in this complaint with any of the following  
 government agencies:

- (i) ☐ the United States Equal Employment Opportunity Commission on or about  
 (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_.  
 (ii) ☒ the Illinois Department of Human Rights on or about  
 (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_.

- (b) If charges *were* filed with an agency indicated above, a copy of the charge is

attached. ☒ YES ☐ NO

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

8. (a) ☐ the United States Equal Employment Opportunity Commission has not issued a  
*Notice of Right to Sue.*

(b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) May (day) 7 (year) 2008 a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [check all that apply]

- (a) ☐ Age (Age Discrimination Employment Act).
- (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☐ Disability (Americans with Disabilities Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. The plaintiff is suing the defendant, a state or local government agency, for discrimination on the basis of race, color, or national origin (42 U.S.C. §1983).

☒ YES ☐ NO

11. Jurisdiction over the statutory violation alleged is conferred as follows: over Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); over 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; over the A.D.E.A. by 42 U.S.C. §12117.

12. The defendant [check all that apply]

- (a) ☐ failed to hire the plaintiff.
- (b) ☐ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.

(f) ☒ other (specify): Retaliated against me for  
complaint of discrimination

13. The facts supporting the plaintiff's claim of discrimination are as follows:

Please see the attached page 1 & 2

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury.

☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check all that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☐ Direct the defendant to re-employ the plaintiff.
- (c) ☒ Direct the defendant to promote the plaintiff.
- (d) ☐ Find that the defendant failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ Find that the defendant failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ Direct the defendant to (specify): \_\_\_\_\_

☒ (g) If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

☐ (h) Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

(Plaintiff's name)

(Plaintiff's street address)

(City)

(State)

(ZIP)

(Plaintiff's telephone number)

(312)

375-1416

1) my race is black. Employed by the  
City of Chicago - Chicago Public Schools  
HR

2) On July 1, I found out that a  
similarly situated non-black.

Administrative III such as Nancy  
Plezi and others that have levels  
of seniority & work experience which is  
similar to mine that are being paid  
more than me (see example 1B)

3) I complained about the discrimination  
of pay on July 1 2007 & August 2.

4) On August 2, 2007, I complained  
to Aric Duncan the CEO of Chicago Public

Schools about the discrimination. (2)

5) On August 3, I was discharged allegedly because I resigned from my position.

6) I did not resign from my position.

7) Similarly situated white employees who have not complained of discrimination were not discharged.

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.

#08W0904.04

AGENCY

☒ IDHR☐ EEOC

CHARGE NUMBER

2008CF0498

**Illinois Department of Human Rights and EEOC**

NAME (Indicate Mr. Ms. Mrs.)

Ms. Keesha Smith

HOME TELEPHONE (Include area code)

(312) 375-1416

STREET ADDRESS

2605 S. Indiana Avenue; #1906

CITY, STATE AND ZIP CODE

Chicago, Illinois 60616

DATE OF BIRTH

09/02/71

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)

NAME

City of Chicago Board of Education

NUMBER OF EMPLOYEES,  
MEMBERS 15+

TELEPHONE (Include area code)

(312) 553-1000

STREET ADDRESS

125 S Clark

CITY, STATE AND ZIP CODE

Chicago, Illinois 60603

COUNTY

Cook (031)

CAUSE OF DISCRIMINATION BASED ON:

Race Retaliation

DATE OF DISCRIMINATION

EARLIEST (ADEA/EPA) LATEST (ALL)  
08/03/07☐ CONTINUING ACTION

THE PARTICULARS ARE (if additional space is needed attach extra sheets)

**I. A. ISSUE/BASIS**

UNEQUAL PAY, ON OR ABOUT JULY 1, 2007 BECAUSE OF MY RACE, BLACK.

**B. PRIMA FACIE ALLEGATIONS**

1. My race is black.
2. I have satisfactorily performed my duties as a Senior Clerk, at Respondent's employment center located at 320 N Elizabeth and have been employed with Respondent since June 11, 2007.

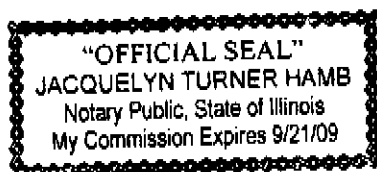
(Continued)

I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

SUBSCRIBED AND SWORN TO BEFORE

ME THIS 4<sup>th</sup> DAY OF September, 2007

NOTARY SIGNATURE



NOTARY SEAL

X Keesha Smith  
SIGNATURE OF COMPLAINANT

DATE

I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief



**Complainant:** Keesha Smith  
**Charge Number:** 2008CF0498  
**Page 2**

3. On or about July 1, 2007, I discovered that I was being paid unequally. I complained to Respondent's management about the discrepancy in pay, but received no response from Respondent's management.

4. I believe that there have been other similarly situated, non-black senior clerks, such as Jim Moore, Nancy (last name unknown), and others, that have levels of seniority and work experience which is similar to mine, that are being paid more than me.

II. A. **ISSUE/BASIS**  
**DISCHARGE, ON OR ABOUT AUGUST 3, 2007, BECAUSE OF MY RACE, BLACK.**

**B. PRIMA FACIE ALLEGATIONS**

1. My race is black.

2. I have satisfactorily performed my duties as Senior Clerk, and have been employed with Respondent since June 11, 2007.

3. On or about August 3, 2007, I was discharged by Lorrie Cosme (white), Respondent's Human Resources Manager. Cosme stated that I had been discharged, effective August 2, 2007, because I allegedly verbally resigned my position. During this period of time, I did not engage in any acts of willful misconduct which merited being discharged from Respondent's employ.

4. I believe that there have been other similarly situated, non-black senior clerks, such as Jim Moore, Nancy (last name unknown) and others, that have levels of seniority and work experience which is similar to mine, but they were not discharged from Respondent's employ as I was.

(Continued)

**Complainant:** Keesha Smith  
**Charge Number:** 2008CF0498  
**Page 3**

**III. A. ISSUE/BASIS**

**DISCHARGE, ON OR ABOUT AUGUST 3, 2007, IN RETALIATION FOR HAVING COMPLAINED ABOUT RACE DISCRIMINATION IN RESPONDENT'S WORKPLACE.**

**B. PRIMA FACIE ALLEGATIONS**

- 1. On or about August 1, 2007, I engaged in a protected activity when I complained to Hill Hammuck, Boated Member, and carbon copied. Arnie Duncan, Respondent's Chief Executive Officer, that I had been experiencing racially discriminatory actions within Respondent's workplace.**
- 2. On or about August 3, 2007, I was discharged by Lorrie Cosme, Respondent's Human Resources Manager. Cosme stated that I had been discharged, effective August 2, 2007, because I allegedly verbally resigned my position of employment. During this period of time, I did not engage in any acts of willful misconduct which merited being discharged from Respondent's employ.**
- 3. Respondent's adverse action followed my protected activity within such a period of time as to raise an inference of retaliatory motivation.**

**ACF/JJT/RCG**



U.S. Department of Justice

Civil Rights Division

NOTICE OF RIGHT TO SUE  
WITHIN 90 DAYS

CERTIFIED MAIL  
5053 4370

950 Pennsylvania Avenue, N.W.  
Karen Ferguson, EMP, PHB, Room 4239  
Washington, DC 20530

May 1, 2008

Ms. Keesha Smith  
2605 S. Indiana Ave, #804  
Chicago, IL 60616

Re: EEOC Charge Against City of Chicago, Bd. of Education  
No. 21B200702517

Dear Ms. Smith:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice. If you cannot afford or are unable to retain an attorney to represent you, the Court may, at its discretion, assist you in obtaining an attorney. If you plan to ask the Court to help you find an attorney, you must make this request of the Court in the form and manner it requires. Your request to the Court should be made well before the end of the time period mentioned above. A request for representation does not relieve you of the obligation to file suit within this 90-day period.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Grace Chung Becker  
Acting Assistant Attorney General  
Civil Rights Division

by

A handwritten signature in cursive script that reads "Karen L. Ferguson".

Karen L. Ferguson  
Supervisory Civil Rights Analyst  
Employment Litigation Section

cc: Chicago District Office, EEOC  
City of Chicago, Bd. of Education